

VERMONT SUPERIOR COURT

Chittenden Unit

175 Main Street, PO Box 187

Burlington VT 05402

802-863-3467

www.vermontjudiciary.org

**CIVIL DIVISION**

Case No. 24-CV-01247

John Discola v Nicholas Deml

DETERMINATION OF PRISONER'S PETITION

This case has been reviewed by the judge and is deemed to be the following:

☐**Habeas Corpus**

The clerk shall notify Prisoner's Rights Office and counsel for the Department of Corrections and set a status conference. See VRCP 80.4 and 12 V.S.A. § 3952.

☐**Habeas Corpus – Wrong County**

This is a habeas case but is filed in the wrong court. The case is hereby dismissed. It can be refiled in the county in which Plaintiff is being held. See 12 V.S.A. § 3953.

☐**Post-Conviction Relief**

The clerk shall notify the Prisoner's Rights Office, State's Attorney, and Attorney Generals' Office and set for a status conference. See 13 V.S.A. § 7133.

☐**Post- Conviction Relief – Wrong County**

This petition is for post-conviction relief but has been filed in the wrong court. This case is hereby dismissed. It can be refiled in the county in which the sentence was imposed. See 13 V.S.A. § 7131.

☒**Rule 75**

The clerk shall notify the Prisoners' Rights Office and counsel for the Department of Corrections and set for a status conference. Inmate is responsible for service by waiver of service form. (Prisoner's Rights Office may assist with service). See VRCP 4(1).

☐**Regular Civil Claim**

Plaintiff is responsible for service by waiver of service form. See VRCP 4(1). The clerk shall move the case to the regular civil docket and send waiver of service forms to Plaintiff.

☐**Rule 74 (Furlough Revocation Appeal)**

The clerk shall send copies to the Prisoner's Rights Office and counsel for the Department of Corrections. If no motion to dismiss is filed within 14 days, the case will be set for a status conference. See 28 V.S.A. § 724(c).

☒**Other: This will be set whenever Petitioner has other cases on the calendar.**

Electronically signed on April 2, 2024 pursuant to V.R.E.F. 9(d).

A handwritten signature in black ink, appearing to read "Helen M. Toor".

Helen M. Toor
 Superior Court Judge